

HOUSE No. 1693

By Mr. Quinn of Dartmouth, petition of John F. Quinn and others relative to the foreclosure of mortgages for persons on active duty in the armed forces. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

John F. Quinn	Joyce A. Spiliotis
Brian A. Joyce	Anthony J. Verga
Christine E. Canavan	Mark C. Montigny
James E. Timilty	

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO MORTGAGE FORECLOSURE AND ACTIVE DUTY SERVICE MEMBERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 244 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by adding
3 the following sentence:—

4 In an action for breach of a mortgage obligation filed during, or
5 within 90 days after, a service member's active duty in the armed
6 forces, the court may, after a hearing on its own motion, and shall,
7 upon application by a service member when the service member's
8 ability to comply with the obligation is materially affected by active
9 duty in the armed forces, stay the proceedings for a period of time as
10 justice and equity require, or adjust the obligation to preserve the
11 interest of all parties.

1 SECTION 2. Section 11 of Chapter 244 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by adding
3 the following sentence:—

4 A sale, foreclosure, or seizure of property for a breach of an
5 active duty service member's mortgage obligation shall not be valid
6 if made during, or within 90 days after, the service member's active

7 duty in the armed services except upon a court order granted before
8 such sale, foreclosure, or seizure with a return made and approved
9 by the court, or if a waiver is made pursuant to a written agreement
10 of the parties that is executed during or after the service member's
11 period of active duty.

1 SECTION 3. A violation of section 2 of this Act shall constitute
2 a violation of Chapter 93A.